

UNITED STATES DISTRICT COURT

for the

APR - 4 2016

David J. Bradley, Clerk of Court

United States of America
v.
Jimmy Lee Smart and Savannah Dawn Nail

Case No.

H16-486 M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 29, 2016 to March 15, 2016 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section
Jimmy Lee Smart

Offense Description

18 U.S.C. Section 1708
18 U.S.C. Section 1028A

Mail Theft
Aggravated Identity Theft

Savannah Dawn Nail

18 U.S.C. Section 1708

Mail Theft

This criminal complaint is based on these facts:
See attached affidavit, incorporated herein

☒ Continued on the attached sheet.

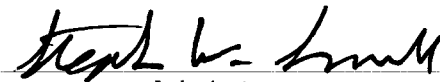

Complainant's signature

Eric Casarez, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/04/2016


Judge's signature

City and state: Houston, Texas

Stephen Wm. Smith, U.S. Magistrate Judge

Printed name and title

**Affidavit in Support of
Arrest Warrant**

1. Affiant, Eric Casarez, employed as a postal inspector with the United States Postal Inspection Service since 2013. I am currently assigned to the mail theft team and investigate crimes against the U.S.P.S. mails such as but not limited to mail theft, identity theft and financial related crimes. I am familiar with how subjects create counterfeit documents and purport them to be genuine but aren't, because the documents have been falsely made or altered in its entirety.
2. The information set forth in this Affidavit is based upon Affiant's personal knowledge and/or information provided to Affiant by other law enforcement officers, fraud investigations, and other individuals the undersigned believes to be reliable and credible.
3. Because this Affidavit is being submitted for the limited purpose of supporting a criminal complaint, Affiant has not included each and every fact concerning this investigation. Affiant has set forth only the facts believed to establish probable cause that **Jimmy Lee Smart** and **Savannah Dawn Nail** has committed violations of federal law.
4. On or about March 15, 2016, Officer Dustin Thompson with the Humble Police Department contacted Affiant regarding the recent arrest of the Jimmy Lee Smart and Savannah Dawn Nail. Thompson stated both Smart and Nail were arrested for possession of a controlled substance. Thompson said Smart was also charged with unauthorized use of a motor vehicle. Thompson advised an inventory search of their vehicle was conducted. Thompson stated he recovered several large plastic bags filled mail matter (none of which listed Smart or Nail as the sender or recipient). Thompson said he also recovered what appeared to be counterfeit postal keys along with numerous credit cards and various bags with tools.
5. On or about March 16, 2016, Affiant met with Humble PD Detective Tony Taylor and acquired the following items related to the Smart and Nail arrest but are not limited to: approximately 500 pieces of mail matter, several rifled packages, 4 counterfeit postal arrow keys, 5 postal parcel locker keys, postal locks, personal and business checks, counterfeit checks, credit cards, gift cards, numerous receipts (Home Depot, Academy, Walgreens and Walmart), Texas Driver's Licenses belonging to other individuals and Texas Temporary Driver's Licenses with Smart's photo but listing various names and numbers.
6. Affiant received a copy of Humble PD Incident Report #16-001048 pertaining to the Smart and Nail arrest. Report indicated the following: on March 15, 2016 at 1:55am, Thompson was dispatched to the Home Depot located at 20360 Highway 59, Humble, TX in reference to a welfare check. Thompson observed, in plain view, metal homemade keys in close proximity to mailbox locks lying on the middle console. Smart and Nail were both removed from the vehicle and identified Smart to have two active felony warrants for forgery and theft. Nail was also identified and was read her rights per Miranda which

was video and audio recorded using Thompson's body camera. Upon completion, Thompson asked Nail if she understood her rights. Nail stated yes and agreed to speak with Thompson, waiving said rights to counsel. Nail stated the home made keys were fabricated by Smart and used to break into mailboxes. Nail advised they do so in order to illegally obtain debit and credit card information.

7. On or about March 22, 2016, Inspector Kelly Pacheco contacted Christina Lanius regarding US Bank Check #1058, dated 3/5/16, made payable to Harris County MUD #102, in the amount of \$46.90, account number ending in 2885, drawn on the account belonging to Christina Lanius and Charles J Lanius of Houston, TX 77084. Lanius advised she mailed the check along with two other checks on or February 29, 2016. She advised she placed these items in the outgoing slot of the neighborhood mailboxes. She further advised she had been contacted by Detective Taylor with Humble PD in reference to the same check.
8. Lanius was then asked about US Bank Check #1084, dated 3/14/16, made payable to Academy, in the amount of \$364.50, account number ending in 2885, drawn on the account of Charles J Lanius, Computer Management & Consulting DBA of the Houston, TX 77084. Lanius advised this check was counterfeit and her husband did not have any affiliation with Computer Management & Consulting DBA. She further advised she checked her account and this check did not clear their account nor did they make the purchase at Academy.
9. Lanius was also asked about a Texas Department of Public Safety, Temporary Permit in the name of Charles Jacob Lanius, number ending in 2588, with the date of birth of 1/6/86. She advised the number was incorrect, but the date of birth and middle name was her husband's true information. She further advised the height and eye color listed did not match her husband's true information, revealing this temporary permit was counterfeit.
10. Lanius advised that she and her husband do not know Jimmy Smart and never authorized him to possess or negotiate any of their checks. They also did not authorize him to possess any of their personal or financial information.
11. Affiant researched law enforcement databases regarding the Texas Department of Public Safety, Temporary Permit in the name of Charles Jacob Lanius, number ending in 2588, with the date of birth of 1/6/86 and determined the number is not associated to either Lanius or Smart.
12. Affiant contacted Shawn Tryon, Academy Loss Prevention Manager, to request video surveillance for Academy receipt (recovered during Smart's arrest) dated 3/14/16. On or about March 30, 2016, Affiant received the Academy surveillance footage for the transactions. Affiant reviewed the

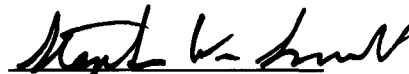
footage and positively identified both Smart and Nail as the individuals depicted in footage at the time of the transaction. Affiant observed Smart to have used a credit or debit card for the initial payment but then preceded to hand the cashier a check. Affiant also observed Smart present a temporary driver's license for identity verification.

13. On or March 30, 2016, Affiant contacted Cara Ferguson, Academy Loss Prevention Specialist, regarding the details of Smart's Academy transaction and check #1084. Ferguson stated check #1084 (acct ending in 2885) was attempted to be negotiated during the transaction but was subsequently declined after several failed attempts with Visa credit cards. Ferguson provided a transaction snapshot listing the items which were scanned and then voided. Ferguson stated that after several items were removed for purchase; a Gatorade drink (sku# ending in 2767) was the only item purchased using a debit card (acct# ending in 5412) in the amount of \$1.72.
14. Based on the forgoing information, Affiant has reason to believe and does believe that, on or about February 29, 2016 through March 15, 2016, Jimmy Lee Smart and Savannah Dawn Nail committed the offense of Mail Theft, 18 USC 1708. Affiant also has reason to believe and does believe that, on or about March 14, 2016, Jimmy Lee Smart committed the offense of Aggravated Identity Theft, 18 USC 1028(a).



Eric Casarez
United States Postal Inspector

Sworn and Subscribed to me this 4th day of April, 2016 and I find probable cause.



Stephen Wm. Smith
United States Magistrate Judge
Southern District of Texas